

Tracy L. Harting

Attorney at Law

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July 15, 2016

Mr. and Mrs. Beltran
via electronic mail

Re: Representation in CPS matter regarding your child

Dear Mr. and Mrs. Beltran:

Thank you for contacting me. I am honored that you are entrusting me to represent your family in this proceeding.

The purpose of this letter is to set forth the terms of my representation in the legal case that the Texas Department of Family and Protective Services has initiated regarding you and your child. This representation does not include representation in any criminal proceedings or any appeal of a decision made by the court. I have reviewed my files and have determined that I do not have any conflicts of interest that would preclude me from representing you.

A retainer of one thousand five hundred dollars (\$1,500.00) toward expenses and fees shall be paid for the legal services and fees of "Tracy L. Harting, Attorney at Law." This amount shall be paid before Tracy L. Harting begins her representation and ***employment is not accepted until the retainer is paid in full***. This amount will be deposited in the client trust fund account of Tracy L. Harting, Attorney at Law. Current fees and expenses, as described below, shall be paid from the client trust fund account as they become due.

Legal services provided by Tracy L. Harting, Attorney at Law shall be billed to you at the firm's hourly rate of \$250.00 per hour. Additionally, in the course of performing legal services on your behalf, I may incur reasonable expenses such as photocopying fees, filing fees, courier fees, parking fees, court fees, citation fees and travel expenses including mileage and the like. I will charge you for these services and fees, and you agree to reimburse me for these services and fees. **It is understood and agreed that you, the client, will receive a regular statement and that you will pay the amount due and**

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necessary to maintain a balance in the client trust account of \$1,000.00 within 10 days from the date of each statement.

If you fail to make timely payments to maintain the retainer at a level of \$1,000.00, I may demand immediate payment of an increased retainer or I may terminate the legal representation agreement of this letter and you agree in such event to make such an immediate payment or to consent to my withdrawal, to substitute other counsel, and to execute any and all necessary documents or pleadings to effect such withdrawal. If this investigation proceeds to a legal case filed by the Department I may demand an immediate payment of an additional increased retainer or trial deposit of an additional amount up to \$10,000 and you agree to make such immediate additional payment or to consent to my withdrawal and to execute any and all necessary documents to effect such withdrawal.

Although I do not anticipate any problems of this nature, I must inform you that I reserve the right to terminate my legal representation of you, as set forth in this letter agreement, if you fail to cooperate with me to the extent that I am unable to appropriately represent your interests. You agree, in such event, to consent to the withdrawal of Tracy L. Harting, Attorney at Law to substitute other counsel, and to execute any and all necessary documents or pleadings to affect such withdrawal and substitution of counsel.

The Texas Supreme Court and Courts of Appeals have adopted the Texas Lawyer's Creed as a mandate to the legal profession in Texas. The creed requires my firm to advise you of the contents of the creed when undertaking to represent you. A copy of the Creed is attached to this agreement for your review.

The Texas Government Code requires that you be advised that the State Bar of Texas investigates and prosecutes professional misconduct committed by Texas attorneys. Although not every complaint against or dispute with a lawyer involves professional misconduct, the State Bar will provide you with information if you call 1-800-932-1900.

You hereby agree that, if you should at any time become displeased or dissatisfied with any aspect whatsoever of this firm's legal representation, or if you should at any time have any serious question concerning that representation, you will *immediately notify me* of that fact in writing by *certified mail, return receipt requested*.

It is my intent to make this process as stress free as possible. Any legal proceeding, by its very nature is unpredictable. While I have made no promises regarding the possible or probable outcome of the case involving these children, I assure you that I will make every effort to minimize the uncertainty and aggravation to you in handling this matter.

Please call me at (512) 629-0292 if you have any questions, or if you need clarification of any portion of this agreement. If the terms of this agreement are acceptable, please sign and return this letter to me as soon as possible. Please be sure to keep a copy for your file. I ask that you send this signed engagement letter, a copy of each of your drivers' license, and a copy of the all documents you have received regarding this investigation and legal case the Department has filed, together with the retainer to me at your earliest convenience. Only after I have received these will I proceed with your representation.

Thank you again for choosing me as your attorney. I look forward to working with you toward a timely and favorable resolution of this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Tracy L. Harting", with a stylized, cursive script.

Tracy L. Harting

Agreed By:

Signature

Date

Signature

Date

printed name

printed name

addresses

e-mail addresses

telephone number(s)

message number(s)

The Texas Lawyer's Creed

I am a lawyer; I am entrusted by the People of Texas to preserve and improve our legal system. I am licensed by the Supreme Court of Texas. I must therefore abide by the Texas Disciplinary Rules of Professional Conduct, but I know that professionalism requires more than merely avoiding the violation of laws and rules. I am committed to this creed for no other reason than it is right.

Our Legal System

A lawyer owes to the administration of justice personal dignity, integrity, and independence. A lawyer should always adhere to the highest principles of professionalism.

1. I am passionately proud of my profession. Therefore, "My word is my bond."
2. I am responsible to assure that all persons have access to competent representation regardless of wealth or position in life.
3. I commit myself to an adequate and effective pro bono program.
4. I am obligated to educate my clients, the public, and other lawyers regarding the spirit and letter of this Creed.
5. I will always be conscious of my duty to the judicial system.

Lawyer to Client

A lawyer owes to a client allegiance, learning, skill, and industry. A lawyer shall employ all appropriate legal means to protect and advance the client's legitimate rights, claims, and objectives. A lawyer shall not be deterred by any real or imagined fear of judicial disfavor or public unpopularity, nor be influenced by mere self-interest.

1. I will advise my client of the contents of this creed when undertaking representation.
2. I will endeavor to achieve my client's lawful objectives in legal transactions and in litigation as quickly and economically as possible.
3. I will be loyal and committed to my client's lawful objectives, but I will not permit that loyalty and commitment to interfere with my duty to provide objective and independent advice.
4. I will advise my client that civility and courtesy are expected and are not a sign of weakness.
5. I will advise my client of proper and expected behavior.
6. I will treat adverse parties and witnesses with fairness and due consideration. A client has no right to demand that I abuse anyone or indulge in any offensive conduct.
7. I will advise my client that we will not pursue conduct which is intended primarily to harass or drain the financial resources of the opposing party.
8. I will advise my client that we will not pursue tactics which are intended primarily for delay.
9. I will advise my client that we will not pursue any course of action which is without merit.
10. I will advise my client that I reserve the right to determine whether to grant accommodations to opposing counsel in all matters that do not adversely affect my client's lawful objectives. A client has no right to instruct me to refuse reasonable requests made by other counsel.
11. I will advise my client regarding the availability of mediation, arbitration, and other alternative methods of resolving and setting disputes.

Lawyer to Lawyer

A lawyer owes to opposing counsel, in the conduct of legal transactions and the pursuit of litigation, courtesy, candor, cooperation, and scrupulous observance of all agreements and mutual understandings. Ill feelings between clients shall not influence a lawyer's conduct, attitude, or demeanor toward opposing counsel. A lawyer shall not engage in unprofessional conduct in retaliation against other unprofessional conduct.

1. I will be courteous, civil, and prompt in oral and written communications.
2. I will not quarrel over matters of form or style, but I will concentrate on matters of substance.
3. I will identify for other counsel or parties all changes I have made in documents submitted for review.
4. I will attempt to prepare documents which correctly reflect the agreement of the parties. I will not include provisions which have not been agreed upon or omit provisions which are necessary to reflect the agreement of the parties.
5. I will notify opposing counsel, and, if appropriate, the Court or other persons, as soon as practicable, when hearings, depositions, meetings, conferences or closings are canceled.
6. I will agree to reasonable requests for extensions of time and for waiver of procedural formalities, provided legitimate objectives of my client will not be adversely affected.
7. I will not serve motions or pleadings in any manner that unfairly limits another party's opportunity to respond.
8. I will attempt to resolve by agreement my objections to matters contained in pleadings and discovery requests and responses.

9. I can disagree without being disagreeable. I recognize that effective representation does not require antagonistic or obnoxious behavior. I will neither encourage nor knowingly permit my client or anyone under my control to do anything which would be unethical or improper if done by me.
10. I will not, without good cause, attribute bad motives or unethical conduct to opposing counsel nor bring the profession into disrepute by unfounded accusations of impropriety. I will avoid disparaging personal remarks or acrimony towards opposing counsel, parties and witnesses. I will not be influenced by any ill feeling between clients. I will abstain from any allusion to personal peculiarities or idiosyncrasies of opposing counsel.
11. I will not take advantage, by causing any default or dismissal to be rendered, when I know the identity of an opposing counsel, without first inquiring about that counsel's intention to proceed.
12. I will promptly submit orders to the Court. I will deliver copies to opposing counsel before or contemporaneously with submission to the Court. I will promptly approve the form of orders which accurately reflect the substance of the rulings of the Court.
13. I will not attempt to gain an unfair advantage by sending the Court or its staff correspondence or copies of correspondence.
14. I will not arbitrarily schedule a deposition, court appearance, or hearing until a good faith effort has been made to schedule it by agreement.
15. I will readily stipulate to undisputed facts in order to avoid needless costs or inconvenience for any party.
16. I will refrain from excessive and abusive discovery.
17. I will comply with all reasonable discovery requests. I will not resist discovery requests which are not objectionable. I will not make objections nor give instructions to a witness for the purpose of delaying or obstructing the discovery process. I will encourage witnesses to respond to all deposition questions which are reasonably understandable. I will neither encourage nor permit my witness to quibble about words where their meaning is reasonably clear.
18. I will not seek Court intervention to obtain discovery which is clearly improper and not discoverable.
19. I will not seek sanctions or disqualification unless it is necessary for protection of my client's lawful objectives or is fully justified by the circumstances.

Lawyer and Judge

Lawyers and judges owe each other respect, diligence, candor, punctuality, and protection against unjust and improper criticism and attack. Lawyers and judges are equally responsible to protect the dignity and independence of the Court and the profession.

1. I will always recognize that the position of judge is the symbol of both the judicial system and the administration of justice. I will refrain from conduct that degrades this symbol.
2. I will conduct myself in Court in a professional manner and demonstrate my respect for the Court and the law.
3. I will treat counsel, opposing parties, the Court, and members of the Court staff with courtesy and civility.
4. I will be punctual.
5. I will not engage in any conduct which offends the dignity and decorum of proceedings.
6. I will not knowingly misrepresent, mischaracterize, misquote or miscite facts or authorities to gain an advantage.
7. I will respect the rulings of the Court.
8. I will give the issues in controversy deliberate, impartial and studied analysis and consideration.
9. I will be considerate of the time constraints and pressures imposed upon the Court, Court staff and counsel in efforts to administer justice and resolve disputes.